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#### AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A testing system, comprising:  
a testing module for presenting a user with a plurality of questions,  
wherein each of the plurality of questions has at least one associated answer,  
wherein each of the plurality of questions is associated with one of a plurality of hierarchically ordered learning levels,  
wherein the lowest learning level contains questions that have not been previously presented to the user,  
wherein the second to lowest learning level contains questions that have been previously missed by the user,  
wherein the height of at least one learning level in the hierarchical ordering is indicative of the user's knowledge of the answer to a question in the learning level relative to the knowledge of an answer to a question in at least one other learning level;  
wherein the questions for a selected learning level are randomized prior to presentation;  
wherein the questions are presented in sequence based at least in part upon the ordering of the learning levels,  
wherein in response to answering a question correctly, the testing module moves the selected question to a higher learning level,  
wherein in response to answering a question incorrectly, the question is moved into a lower learning level,  
wherein each question has an associated retest time interval,  
wherein the retest time interval indicates a period of time that must be passed before the question is presented again,  
wherein when the user answers a question correctly, the retest time interval is set for a period of time that is greater than the current retest time interval, and  
wherein if a respective question is moved into the highest learning level, the testing module ceases to ask the respective question.
2. (Original) A testing system, comprising:  
a testing module for presenting a user with a plurality of questions, wherein each of the plurality of questions is classified into one of a plurality of hierarchically ordered levels;

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wherein each of the plurality of questions has at least one associated answer,  
wherein each of the plurality of questions is associated with one of the learning levels,  
wherein the questions are presented in sequence based at least in part upon the ordering of the learning levels,

wherein in response to answering a question correctly, the testing module moves the selected question to a higher learning level in the hierarchical ordering,

wherein in response to answering a question incorrectly, the question is moved into a lower learning level,

wherein each question has an associated retest time interval,

wherein the retest time interval indicates a period of time that must be passed before the question is presented again,

wherein when the user answers a question correctly, the retest time interval is set for a period of time that is greater than the current retest time interval, and

wherein if a respective question is moved into a selected one of the learning levels, the testing module ceases to ask the respective question.

3. (Currently Amended) A computerized testing system, comprising:

a display module for displaying at least one question;

a storage device comprising a plurality of questions and corresponding answers to the questions, wherein the storage device stores a plurality of learning levels for each of a plurality of questions, each of the questions falling within one of the learning levels, wherein the storage device also stores a retest time interval indicating a period of time that must pass between presentations of a selected question to a user;

a testing module for providing the plurality of questions to a user and for recording answers to each of the questions, wherein each of the questions has an associated time interval indicating the duration of time that must pass before the question is presented again to the user, wherein in response to receiving a correct answer to one of the questions, the testing module increases the time interval that is associated with the question, and wherein the questions for a selected learning level are randomized prior to presentation; and

a test question selection module for selecting a question based at least in part upon the ordering of the learning levels and the retest time interval of the questions.

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4. (Original) A method of testing, comprising:

selecting a plurality of questions to be made available to a user, wherein each of the questions can be classified into one of a plurality of learning levels and wherein each of the questions has an associated retest time interval which indicates a period of time that must pass before the question can be available;

selecting one of the available questions, wherein the act of selecting is based at least in part upon the ordering of the learning levels;

testing the user with the selected question;

determining whether the user answered the selected question correctly;

if the user answered the selected question correctly, moving the selected question from its current learning level into a higher learning level and increasing the retest time interval to be greater than the current retest time interval; and

if the user answered the selected question incorrectly, moving the selected question from its current learning level into a lower learning level.

5. (Currently Amended) A method of testing, comprising:

selecting a set of questions to be made available to a user, wherein each of the questions has an associated learning level and a retest time interval that indicates a period of time that must pass between presentation of a respective question, and wherein the questions for a selected learning level are randomized prior to presentation;

selecting one of the available questions from the set;

testing the user with the selected question;

determining whether the user answered the selected question correctly;

if the user answered the selected question correctly, increasing the retest time interval to be greater than the current retest time interval for the selected question; and

if the user answered the selected question incorrectly, decreasing the retest time interval to be less than the current retest time interval for the selected question.

6. (Original) The method of Claim 5, additionally comprising, if a user answers a question incorrectly, moving the question into a level designated for missed questions.

7. (Original) The method of Claim 6, wherein the level designated for missed questions is the lowest learning level of the learning levels.

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8. (Original) The method of Claim 6, wherein the level designated for missed questions is the second lowest learning level.

9. (Original) The method of Claim 6, wherein the lowest level contains questions that have not been previously presented to the user.

10. (Original) The method of Claim 5, additionally comprising, if a user answers a selected question incorrectly, moving the selected question into the next lowest learning level.

11. (Original) The method of Claim 5, additionally comprising, if a user answers a selected question incorrectly, maintaining the selected question at the selected learning level until the question is answered correctly.

12. (Cancelled)

13. (Cancelled)

14. (Currently Amended) The method of Claim ~~5~~ 12, additionally comprising, if a question is answered incorrectly, setting the retest time interval such that the user is presented the question as soon as the testing module presents questions in the learning level of the selected question.

15. (Currently Amended) The method of Claim ~~5~~ 12, wherein the questions are presented in sequence based at least in part upon the ordering of the learning levels.

16. (Currently Amended) A testing system, comprising:  
a testing module for providing a plurality of questions to a user and for recording answers to each of the questions, wherein each of the questions has an associated time interval indicating a duration of time that must pass between presentations of the question, and wherein, in response to receiving a correct answer to a selected question, the testing module increases the time interval that is associated with the selected question, and wherein the questions for a selected learning level are randomized prior to presentation;

17. (Original) The testing system of Claim 16 wherein, if the selected question is answered incorrectly, the time interval for the selected question is decreased.

18. (Original) The testing system of Claim 16 wherein, if the select question is answered correctly, the testing module determines whether the time interval is increased past a predefined threshold.

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19. (Original) The testing system of Claim 18 wherein, if the threshold is exceeded, the testing module ceases presenting the selected question.

20. (Original) The testing system of Claim 16, wherein each of the questions is respectively associated with one of a plurality of hierarchically ordered learning levels, and wherein at least one of said levels is indicative of how well the user knows the answer to a particular question when compared to the user's knowledge of the answer to at least one other question that is in one of the other learning levels.

21. (Currently Amended) A testing system comprising:  
a testing module for presenting a user with a plurality of questions, wherein each of the plurality of questions has at least one associated answer, and wherein each of the plurality of questions is associated with one of a plurality of hierarchically ordered learning levels and wherein, in response to answering a selected question correctly, the testing module moves the selected question to a higher learning level and wherein, in response to answering the selected question incorrectly, the selected question is moved into a lower learning level, wherein each of said learning levels is ordered with respect to each other of said learning levels, ~~and~~ wherein the questions are presented in sequence based at least in part upon the ordering of said learning levels, and wherein the questions for a selected learning level are randomized prior to presentation.

22. (Original) The testing system of Claim 21, wherein if a user answers a question incorrectly, the question is moved from its current learning level into a level designated for missed questions.

23. (Original) The testing system of Claim 22, wherein the level designated for missed questions is the lowest learning level of the learning levels.

24. (Original) The testing system of Claim 22, wherein the level designated for missed questions is the second lowest learning level.

25. (Original) The testing system of Claim 24, wherein the lowest level contains questions that have not been previously viewed by the user.

26. (Original) The testing system of Claim 21, wherein if a user answers a selected question incorrectly, the selected question is moved from its current learning level into the next lowest learning level.

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27. (Original) The testing system of Claim 21 wherein, if a user answers a selected question incorrectly, the selected question remains at the current learning level until the question is answered correctly.

28. (Original) The testing system of Claim 21, wherein each question in a learning level has an associated retest time interval, wherein the retest time interval indicates a time that must pass or be reached before the question is presented again, wherein when the user answers a question correctly, the retest time interval is set for a period of time that is greater than the current retest time interval.

29. (Original) The testing system of Claim 28 wherein, if a question is answered incorrectly the testing system decreases the retest time interval for a period of time that is less than the current retest time interval.

30. (Original) The testing system of Claim 29 wherein, if a question is answered incorrectly, the retest time interval is set such that the user is presented the question as soon as the testing module presents questions in the newly assigned learning level.

31. (Original) The testing system of Claim 21 wherein, if a respective question is moved into a selected one of the learning levels, the testing module ceases asking the user the selected question.

32. (Currently Amended) A system for testing, the system comprising:  
means for selecting a group of questions available to a user, wherein each of the questions has an associated retest time interval which indicates a period of time that must pass between presentations of the question;

means for selecting one of the questions from the group of available questions, and wherein the questions for a selected learning level are randomized prior to presentation;

means for testing the user with the selected question;

means for determining whether the user answered the selected question correctly;

means for increasing the retest time interval to be greater than the current retest time interval for the selected question when the user answered the selected question correctly; and

means for decreasing the retest time interval to be less than the current retest time interval for the selected question when the user answered the selected question incorrectly.

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33. (Original) A program storage device storing instructions that when executed perform the steps comprising:

selecting a plurality of questions available to a user, wherein each of the questions has an associated retest time interval which indicates a period of time that must pass between presentations of the question;

selecting one of the available questions;

testing the user with the selected question;

determining whether the user answered the selected question correctly;

if the user answered the selected question correctly, increasing the retest time interval to be greater than the current retest time interval for the selected question; and

if the user answered the selected question incorrectly, decreasing the retest time interval to be less than the current retest time interval for the selected question.

34. (Currently Amended) A method of testing, comprising:

selecting one of a plurality of questions, wherein each of the questions can be classified into one of a plurality of hierarchically ordered learning levels and wherein each of the questions has an associated retest time interval which indicates a period of time that must pass between presentations of the question, and wherein the questions for a selected learning level are randomized prior to presentation;

testing a user with the selected question;

determining whether the user answered the selected question correctly;

if the user answered the selected question correctly, moving the selected question from its current learning level into a higher learning level and increasing the retest time interval to be greater than the current retest time interval; and

if the user answered the selected question incorrectly, moving the selected question into a lower learning level.

35. (Currently Amended) A method of testing, comprising:

selecting one of a plurality of questions, wherein each of the questions has an associated retest time interval which indicates a period of time that must pass before the question can be answered, wherein the questions for a selected learning level are randomized prior to presentation;

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testing a user with the selected question;  
determining whether the user answered the selected question correctly; and  
if the user answered the selected question correctly, increasing the retest time interval to  
be greater than the current retest time interval.

36. (Original) The method of Claim 35, additionally comprising moving the question  
to a new learning level.